

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO 10-10943-RWZ

OAHN NGUYEN CHUNG,
Individually and as Administratrix of the Estate of LISA TAM CHUNG,
and LIEM CHUNG

v.

STUDENTCITY.COM, INC., d/b/a GRADCITY.COM,
d/b/a SPRINGBREAKDISCOUNTS.COM, d/b/a LEISURETOURS,
d/b/a SUN COAST VACATIONS, d/b/a SPRING BREAK TRAVEL

ORDER

June 6, 2018

ZOBEL, S.D.J.

In their second post-remand motion to compel, plaintiffs essentially seek three categories of documents: (1) those they contend are wrongfully withheld pursuant to work product and/or attorney-client privilege (Request Nos. 17--18, 26, 28, 38--42, 47--48, 50--52, 63--64); (2) a detailed, dated list of staff and students present for the 2008 Cancun tour (Request Nos. 29-31); and (3) the pleadings in defendant's Mexican litigation against the owner of the *Sea Star* (Request Nos. 59-61).

As to the first category comprised of purportedly privileged documents, plaintiffs' motion is denied as to the documents for which Spanish originals have already been produced (Bates Nos. SC01294-1390). Defendant shall produce all other purportedly privileged documents to the court for in camera review.

As to the second category, plaintiffs' motion is denied. Defendant has complied with this court's prior order (Docket # 110) by providing a list of participants including arrival and departure dates for staff.

As to the third category, plaintiffs' motion is allowed. It is implausible that the complaint in a lawsuit brought by defendant is not in its possession or control. However, defendant was not previously, and is not now, ordered to produce a video it does not have.

In sum, Docket # 112 is allowed in part and denied in part. The parties' joint request for extension of fact discovery is allowed, with a new deadline to be determined once the privilege issue has been decided.

June 6, 2018

DATE

/s/Rya W. Zobel

RYA W. ZOBEL
SENIOR UNITED STATES DISTRICT JUDGE